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Attorneys for Defendant Facebook, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DZ RESERVE, and CAIN MAXWELL (d/b/a
MAX MARTIALIS), individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 3:18-cv-04978 JD

**DECLARATION OF MELANIE M.
BLUNSCHI IN SUPPORT OF
FACEBOOK'S OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Hon. James Donato

REDACTED VERSION OF DOCUMENT
SOUGHT TO BE SEALED

1 I, Melanie M. Blunschi, declare as follows:

2 1. I am a partner with the law firm Latham & Watkins LLP, counsel for Defendant
3 Facebook, Inc. (“Facebook”) in the above referenced litigation. I am licensed to practice law in
4 the State of California and am admitted to practice before this Court. I have personal knowledge
5 of the facts set forth in this declaration. If called as a witness, I could and would competently
6 testify to these facts under oath.

7 2. I submit this declaration in support of Facebook’s Opposition to Plaintiffs’ Motion
8 for Class Certification (respectively referred to herein as the “Opposition” and the “Motion”).

9 3. All documents bearing a Bates number beginning in “FB-SINGER” were produced
10 by Facebook in this case. All documents bearing a Bates number beginning with a different prefix
11 were produced by other parties or non-parties in this case, as specified.¹

12 **Advertiser Declarations**

13 4. With this declaration, Facebook is submitting several supporting declarations from
14 non-party advertisers and ad agencies who use Ads Manager to advertise on Facebook. These
15 non-parties voluntarily submitted these declarations after being informed of the claims and
16 defenses in this action and being provided a copy of the Third Amended Consolidated Class Action
17 Complaint (“TAC”), Dkt. 166. I understand that none of the declarants was promised or provided
18 any compensation for providing a declaration. I attest that concurrence in the filing of each one of
19 the below declarations has been obtained from the signatory.

20 5. Attached as **Exhibit A** is a true and correct copy of the Declaration of Sarah B.
21 Lowe of The Art Cellar of Houston, LLC dated May 7, 2021.

22 6. Attached as **Exhibit B** is a true and correct copy of the Declaration of Josh Flanders
23 of Buzz Bomb Brewing Co., dated May 7, 2021.

24
25 ¹ In the Opposition and supporting materials, Facebook cites several documents attached to the
26 Declaration of Geoffrey Graber in Support of Plaintiffs’ Motion for Class Certification (Dkt. 282-
27 1, “Graber Declaration”). To avoid burdening the Court with duplicative materials, Facebook has
28 not resubmitted those documents to the Court. Facebook notes, however, that some of its citations
are to portions of the documents outside of what Plaintiffs’ counsel marked with red boxes on the
copies of the exhibits attached to the Graber Declaration.

7. Attached as **Exhibit C** is a true and correct copy of the Declaration of Adam Hampton of Hampton Design Studios & Shop, dated May 11, 2021.

8. Attached as **Exhibit D** is a true and correct copy of the Declaration of Charles McDowell of Wesley Financial Group LLC, dated May 11, 2021.

9. Attached as **Exhibit E** is a true and correct copy of the Declaration of Phil Davis of Ciceron Inc., dated May 12, 2021.

10. Attached as **Exhibit F** is a true and correct copy of the Declaration of Lamesha Davis, dated May 13, 2021.

11. Attached as **Exhibit G** is a true and correct copy of the Declaration of Lauren Novak of Adglow U.S., dated May 13, 2021.

12. Attached as **Exhibit H** is a true and correct copy of the Declaration of Michael Grantham of Carvana, LLC, dated May 13, 2021.

13. Attached as **Exhibit I** is a true and correct copy of the Declaration of Renee Ventrice of Cork and Keg Tours, LLC dated May 14, 2021.

14. Attached as **Exhibit J** is a true correct copy of the Declaration of Wendy Pettys.

Employee Declarations

15. With this declaration, Facebook is submitting several supporting declarations from Facebook employees with personal knowledge of the issues raised in Plaintiffs' TAC and the Motion. I attest that concurrence in the filing of each one of the below declarations has been obtained from the signatory.

16. Attached as **Exhibit K** is a true and correct copy of the Declaration of Ping Chen, dated May 10, 2021.

17. Attached as **Exhibit L** is a true and correct copy of the Declaration of Yiyang Shi, dated May 12, 2021.

18. Attached as **Exhibit M** is a true and correct copy of the Declaration of Josh Geller, dated May 12, 2021.

19. Attached as **Exhibit N** is a true and correct copy of the Declaration of Alexander Lobert, dated May 13, 2021.

Demonstrative Exhibits

20. Attached as **Exhibits 78 to 81²** are demonstrative graphics depicting the portions of Facebook's Ads Manager self-serve interface through which individuals and entities place ads on Facebook and through which individuals and entities can view their real-time results of ads on Facebook. I describe each set of demonstratives below.

21. Attached as **Exhibit 78** is a set of demonstrative graphics depicting the Ads Manager self-serve ad campaign creation interface when accessed on a desktop web browser (<https://www.facebook.com/adsmanager/creation>). This exhibit relies on screenshots of the web interface taken at my direction on May 14, 2021. Exhibit **78** depicts the steps advertisers go through as they place an ad on Ads Manager, including (1) choosing a campaign objective; (2) selecting ad campaign details; (3) creating an ad set; (4) selecting the ad creative; and (45) placing the ad. **Exhibit 78** also depicts "hovercards" or "tooltips" (*i.e.*, information available when an advertiser hovers over an "i" in Ads Manager) and disclosures that are shown in Ads Manager when an advertiser clicks hyperlinked words in the interface. Specifically, **Exhibit 78** demonstrates the process for creating an ad campaign with the "conversion" objective, with an ad set with the following criteria:

a. Targeting: People living or recently in California or Oregon; ages 25-50; all genders; with an interest of "Foodie"; "Detailed Targeting Expansion" turned off; and all Languages.

b. Placements: "Automatic Placements";

c. Budget and Schedule: Daily budget of \$20. On page 22, the budget is modified to \$50 to demonstrate how changes in budget change Estimated Daily Results, while Potential Reach stays the same because it is not affected by budget;

² Facebook's exhibit numbering picks up where Plaintiffs' numbering ended, starting with Exhibits 76 and 77 in the Declaration of Michael Duffey and proceeding with Exhibit 78 here.

d. Optimization for Ad Delivery: Landing Page Views. On page 25, the Optimization for Ad Delivery option is changed to Link Clicks to demonstrate how the information in Estimated Daily Results changes to show Estimated Link Clicks instead of Estimated Landing Page Views;

e. Cost Control: None applied.

22. Attached as **Exhibit 79** is another set of demonstrative graphics depicting the Ads Manager self-serve ad campaign management interface when accessed on a desktop web browser (<https://www.facebook.com/adsmanager/manage>). This exhibit depicts portions of Ads Manager where advertisers can view data regarding the results of their Facebook ads. To create this demonstrative, my team and I selected certain performance and reach data, but many more data options are available in these portions of Ads Manager. Exhibit 79 includes screenshots taken on May 12, 2021, from an account that ran ads on Facebook in 2016 and 2017.

23. Attached as **Exhibit 80** is a set of demonstratives of the Ads Manager self-serve ad campaign creation interface when accessed on a desktop web browser (<https://www.facebook.com/adsmanager/creation>). **Exhibit 80** depicts disclosures related to Potential Reach that were provided to advertisers on Ads Manager as of September 2017, March 2019, June 2020, and March 2021. Specifically, it depicts certain “hovercards” or “tooltips” (*i.e.*, information available when an advertiser hovers over the “i” by Potential Reach in Ads Manager) and certain disclosures that are shown in Ads Manager when one clicks hyperlinked words in those “hovercards” or “tooltips.” The information in the hyperlinked words also is available through Facebook’s Business Help Center.

a. Page 2 of **Exhibit 80** includes screenshots taken from documents bearing Bates numbers FB-SINGER-00000300 and FB-SINGER-00000301, separately attached hereto as Exhibits 82 and 83, which are screenshots taken on January 31, 2019 that depict the Potential Reach disclosures available to advertisers since September 20, 2017.

b. Page 3 of **Exhibit 80** includes screenshots taken from documents bearing Bates numbers FB-SINGER-00001135, separately attached hereto as Exhibit 87, and FB-

1 SINGER-00001138, Dkt. 282-59, which are screenshots taken on September 3, 2019 that depict
2 the Potential Reach disclosures available to advertisers since March 12, 2019.

3 c. Page 4 of **Exhibit 80** includes screenshots taken on the current interface at
4 <https://www.facebook.com/adsmanager/creation>, which are screenshots taken on January 12, 2021
5 that depict the Potential Reach disclosures available to advertisers since June 3, 2020, including
6 the screenshot separately attached hereto as Exhibit 96.

7 d. Page 5 of **Exhibit 80** includes screenshots taken on the current interface at
8 <https://www.facebook.com/adsmanager/creation>, which are screenshots taken on May 12, 2021
9 that depict the Potential Reach disclosures available to advertisers since March 16, 2021, including
10 the screenshot separately attached hereto as Exhibit 97.

11 24. Attached as **Exhibit 81** is a demonstrative listing the exhibits to the Declaration of
12 Geoffrey Graber (Dkt. 282-1) in date order to show the chronology of the documents Plaintiffs
13 cited in their Motion.

14 **Facebook Ads Manager Screenshots**

15 25. Attached as **Exhibit 82** is a true and correct copy of a screenshot of the Ads
16 Manager ad set creation interface, accessible at <https://www.facebook.com/adsmanager/creation>,
17 bearing Bates number FB-SINGER-00000301.

18 26. Attached as **Exhibit 83** is a true and correct copy of a screenshot of the Ads
19 Manager ad set creation interface, accessible at <https://www.facebook.com/adsmanager/creation>,
20 bearing Bates number FB-SINGER-00000300. This screenshot also displays the Potential Reach:
21 Overview tooltip, accessible by clicking or hovering on the “i” to the right of the Potential Reach
22 estimate. The screenshot was taken on January 31, 2019.

23 27. Attached as **Exhibit 84** is a true and correct copy of a screenshot of the Ads
24 Manager ad set creation interface, accessible at <https://www.facebook.com/adsmanager/creation>,
25 bearing Bates number FB-SINGER-00001126. The Potential Reach estimate of 220,000,000
26 people shown in this screenshot was based on the targeting criteria shown when a U.S. advertiser
27 logged onto Ads Manager and began to create a new ad set: users “living or recently in” the United
28

1 States, all genders, ages 18-65+, and “Automatic Placements.” The screenshot was taken on
2 September 3, 2019.

3 28. Attached as **Exhibit 85** is a true and correct copy of a screenshot of the Ads
4 Manager’s ad set creation interface, accessible at
5 <https://www.facebook.com/adsmanager/creation>, bearing Bates number FB-SINGER-00001134.
6 This screenshot also displays the Potential Reach: Overview “hovercard” or “tooltip,” accessible
7 by clicking or hovering on the “i” to the right of the Potential Reach estimate. The screenshot was
8 taken on September 3, 2019.

9 29. Attached as **Exhibit 86** is a true and correct copy of a screenshot of the Ads
10 Manager’s ad set creation interface, accessible at
11 <https://www.facebook.com/adsmanager/creation>, bearing Bates number FB-SINGER-00001133.
12 This screenshot also displays the Potential Reach: Details “hovercard” or “tooltip,” accessible by
13 clicking or hovering on the “i” to the right of the Potential Reach estimate. The screenshot was
14 taken on September 3, 2019.

15 30. Attached as **Exhibit 87** is a true and correct copy of a screenshot of the Ad
16 Manager’s ad set creation interface, accessible at
17 <https://www.facebook.com/adsmanager/creation>, bearing Bates number FB-SINGER-00001135.
18 This screenshot also displays the “About Potential Reach” article that is accessible via the “Learn
19 More” link in the Potential Reach: Overview “hovercard” or “tooltip.”³ The screenshot was taken
20 on September 3, 2019.

21 31. Attached as **Exhibit 88** is a true and correct copy of a screenshot of the Ad
22 Manager’s ad set creation interface, accessible at
23 <https://www.facebook.com/adsmanager/creation>, bearing Bates number FB-SINGER-0001130.
24 This screenshot displays the “Estimated Daily Results” article that is accessible via the “Learn
25
26

27 ³ The current version of the “About Potential Reach” article also is accessible through
28 <https://www.facebook.com/business/help/1665333080167380>.

More” link in the Estimated Daily Reach “hovercard” or “tooltip” accessible by clicking or hovering over the “i” next to “Reach.”⁴ The screenshot was taken on September 3, 2019.

32. Attached as **Exhibit 89** is a true and correct copy a screenshot of Ads Manager ad set creation interface, accessible through <https://www.facebook.com/adsmanager/creation>, bearing Bates number FB-SINGER-00001125. This screenshot also displays the “About Targeting New Audiences” that is accessible via the “Learn More” link under “Audiences.”⁵ The screenshot was taken on September 3, 2019.

33. Attached as **Exhibit 90** is a true and correct copy of a screenshot of Ads Manager ad set creation interface, accessible through <https://www.facebook.com/adsmanager/creation>, bearing Bates numbers FB-SINGER-0001132. This screenshot also displays the “About the Delivery System: Placements” article that is accessible via the “Learn More” link under “Automatic Placements.”⁶ The screenshot was taken on September 3, 2019.

34. Attached as **Exhibit 91** are true and correct copies of screenshots of Ads Manager’s ad campaign objective selection interface, accessible through <https://www.facebook.com/adsmanager/creation>, bearing Bates number FB-SINGER-00255015 – FB-SINGER-00255017. These screenshots also display the “Choose the Right Ad Objective” article that is accessible via the “Help: Choosing an Objective” link.⁷ The screenshots were taken on April 13, 2020.

⁴ The current version of the “About Estimated Daily Results” article also is accessible through <https://www.facebook.com/business/help/1438142206453359?id=561906377587030>.

⁵ The current version of the “About Targeting New Audiences” article, which is now called “About Reaching New Audiences,” also is accessible through <https://www.facebook.com/business/help/717368264947302?id=176276233019487>.

⁶ The current version of the “About the Delivery System: Placements” article also is accessible through <https://www.facebook.com/business/help/965529646866485?id=802745156580214>.

⁷ The current version of the “Choose the Right Ad Objective” article, which is now called “Choose the Right Objective,” also is accessible through <https://www.facebook.com/business/help/1438417719786914>.

**Facebook Business Help Center Disclosures About Facebook Advertising,
Including Potential Reach**

35. Attached as **Exhibit 92** is a true and correct copy of an article titled “About Potential Reach,” from the Facebook Business Help Center, dated January 18, 2019, bearing Bates number FB-SINGER-00000330.

36. Attached as **Exhibit 93** is a true and correct copy of an article titled “About Ad Targeting,” from the Facebook Business Help Center, dated February 5, 2019, bearing Bates number FB-SINGER-00000417.

37. Attached as **Exhibit 94** is a true and correct copy of an article titled “About Potential Reach,” from the Facebook Business Help Center, accessed on March 15, 2019, bearing Bates number FB-SINGER-00001119.

38. Attached as **Exhibit 95** is a true and correct copy of an article titled “Best Practices: Ad Bidding and Budgeting,” from Facebook for Business, dated December 9, 2019, bearing Bates number FB-SINGER-00089417.

39. Attached as **Exhibit 96** is a true and correct copy of an article titled “Unique Metrics,” from the Facebook Business Help Center, dated June 3, 2020, accessible through <https://www.facebook.com/business/help/283579896000936>. This page also was accessible through the Ads Manager ad set creation interface by clicking on the “people” hyperlink in the Potential Reach: Overview tooltip, as shown in **Exhibit 80**, page 4.

40. Attached as **Exhibit 97** is a true and correct copy of an article titled “Unique Metrics,” from the Facebook Business Help Center, dated March 16, 2021, accessible through <https://www.facebook.com/business/help/283579896000936>. This page also is accessible through the Ads Manager ad set creation interface by clicking on the “people” hyperlink in the Potential Reach: Overview tooltip, as shown in **Exhibit 80**, page 5.

41. Attached as **Exhibit 98** is a true and correct copy of an article titled “Facebook Description of Methodology,” from Facebook Business Help Center, last updated April 21, 2021, accessible through <https://www.facebook.com/business/help/785455638255832>.

Materials Produced by Facebook

42. Attached as **Exhibit 99** is a true and correct copy of a document titled “IG-FB Account Matching Migration for Instagram Ads – Central Review,” dated September 4, 2018, bearing Bates number FB-SINGER-00195023.

43. Attached as **Exhibit 100** is a true and correct copy of a document titled “Fake Account Index,” dated September 21, 2020, bearing Bates number FB-SINGER-00426348.

44. Attached as **Exhibit 101** is a true and correct copy of relevant portions of Facebook’s Community Standards Enforcement Report for Q4 2020, accessible from <https://transparency.facebook.com/community-standards-enforcement#fake-accounts>, dated February 11, 2021. This was marked as Exhibit 332 to the April 2, 2021 deposition of Plaintiffs’ proposed expert, Dr. Charles Cowan.

45. Attached as **Exhibit 102** is a true and correct copy of excerpts of Facebook’s Annual Report for the Fiscal Year ending December 31, 2020.

46. Attached as **Exhibit 103** is a true and correct copy of a document titled, “SUMA Model Evaluation for Ads – Model Accuracy and Impact on Overestimation,” dated October 22, 2018, bearing Bates number FB-SINGER-00226635.

47. Attached as **Exhibit 104** is a true and correct copy of a document titled “Understanding the Value of Detailed Targeting,” dated August 30, 2018, bearing Bates number FB-SINGER-00027996.

48. Attached as **Exhibit 105** is a true and correct copy of a document titled “Ad Agencies Cheat Sheet,” dated March 10, 2020, bearing Bates number FB-SINGER-00426483.

49. Attached as **Exhibit 106** is a true and correct copy of a document titled “[CONFIDENTIAL – Action Requested] Upcoming Targeting Changes,” dated January 23-28, 2019, bearing initial Bates number FB-SINGER-00125269. It attaches a document titled “Publicis Letter,” dated January 8, 2019, bearing Bates number FB-SINGER-00125273.

50. Attached as **Exhibit 107** is a true and correct copy of a document titled “Impact of SUMA Modeling on Reach and Frequency Audience Sizes,” dated January 11, 2018, bearing Bates number FB-SINGER-00087812.

51. Attached as **Exhibit 108** is a true and correct copy of a document titled, “Reach Messaging for Press Around Facebook’s Potential Reach Versus Census Estimates,” bearing Bates number FB-SINGER-00087770.

52. Attached as **Exhibit 109** is a true and correct copy of a document titled, “SUMA Data & Analysis – WIKI,” bearing Bates number FB-SINGER-00088862.

53. Attached as **Exhibit 110** is a true and correct copy of a document produced by Facebook in this litigation bearing Bates number FB-SINGER-00426629.

Deposition Testimony

54. Attached as **Exhibit 111** are true and correct excerpts of the certified transcription of the August 11, 2020, deposition of Facebook employee David Amsallem.

55. Attached as **Exhibit 112** are true and correct excerpts of the certified transcription of the October 16, 2020, Rule (30)(b)(6) deposition of Rahul Bhandari, Facebook’s 30(b)(6) representative in this matter for certain topics noticed by Plaintiffs.

56. Attached as **Exhibit 113** are true and correct excerpts of the certified transcription of the August 4, 2020, deposition of then-Facebook employee Amy Dunn.

57. Attached as **Exhibit 114** are true and correct excerpts of the certified transcription of the July 17, 2020, deposition of former Facebook employee Yaron Fidler.

58. Attached as **Exhibit 115** are true and correct excerpts of the certified transcription of the September 2, 2020, deposition of Facebook employee Alex Schultz.

59. Attached as **Exhibit 116** are true and correct excerpts of the certified transcription of the April 6, 2021, deposition of Facebook’s proffered expert Dr. Steven Tadelis.

60. Attached as **Exhibit 117** are true and correct excerpts of the certified transcription of the July 13, 2020, deposition transcript of DZ Reserve owner Daniel Ziernicki, in his personal capacity.

61. Attached as **Exhibit 118** are true and correct excerpts of the certified transcription of the July 13, 2020, 30(b)(6) deposition of Daniel Ziernicki, Named Plaintiff DZ Reserve's 30(b)(6) representative in this matter.

62. Attached as **Exhibit 119** are true and correct excerpts from the certified transcription of the July 8, 2020, deposition of Named Plaintiff Cain Maxwell d/b/a Max Martialis ("Maxwell").

63. Attached as **Exhibit 120** are true and correct excerpts from the certified transcription of the March 30, 2021, deposition of Plaintiffs' proffered expert, Dr. Greg Allenby.

64. Attached as **Exhibit 121** are true and correct excerpts from the certified transcription of the April 2, 2021, deposition of Plaintiffs' proffered expert Dr. Charles Cowan.

65. Attached as **Exhibit 122** are true and correct excerpts from the certified transcription of the April 13, 2021, deposition of Plaintiffs' proffered expert Tim Roughgarden.

Documents Produced By Plaintiffs

66. Attached as **Exhibit 123** is a true and correct copy of an April 5, 2019, document bearing Bates number DZ_Reserve_00022413, produced by DZ Reserve.

67. Attached as **Exhibit 124** is a true and correct copy of an April 5, 2019, document bearing Bates number DZ_Reserve_00023648, produced by DZ Reserve.

68. Attached as **Exhibit 125** is a true and correct copy of a October 18, 2019, spreadsheet bearing Bates number MAXWELL_00000824, produced by Cain Maxwell.

Documents Related to Facebooks Ads Placed By Dan Ziernicki's New Companies

69. Attached as **Exhibits 126, 127, and 128** are true and correct copies of the Colorado Secretary of State registration record for GreenLight Enterprises, BlueLight Enterprises, and OrangeLight Enterprises, respectively. As reflected in these exhibits, as well as the deposition testimony of Dan Ziernicki in **Exhibit 117** at 28:9-29:8, 62:11-25, 217:22-219:10, Mr. Ziernicki owned and operated all three companies, which are referred to herein as "DZ's New Companies."

70. [REDACTED]
[REDACTED]. See **Exhibit 117** at 62:11-25, 63:12-19.

71. **Exhibit 126** reflects that one of the registered tradenames of GreenLight Enterprises is “World Gift Deals.” **Exhibit 127** reflects that one of the registered tradenames of BlueLight Enterprises is “Gift Wows.” Mr. Ziernicki admitted at deposition that [REDACTED] [REDACTED] (**Exhibit 117** at 202:15-203:24) [REDACTED] (*id.* at 207:15-209:9).

72. Attached as **Exhibit 110** is a true and correct copy of a .csv file titled “page_admin.csv,” bearing Bates number FB-SINGER-00426629, which lists the Facebook Page IDs and Page Names associated with Facebook user [REDACTED]. This exhibit reflects that [REDACTED]

[REDACTED] At deposition, Mr. Ziernicki testified that [REDACTED] [REDACTED] [REDACTED]. See **Exhibit 117** at 212:16-214:14.

73. On August 24, 2020, Facebook served document subpoenas on DZ’s New Companies seeking information about their advertising on Facebook. Plaintiffs’ counsel in this litigation indicated they would represent DZ’s New Companies as well and objected to producing any of the subpoenaed documents.

74. On October 8, 2020, Facebook filed a letter motion to compel DZ’s New Companies to comply with the subpoenas. Dkt. 233. The Court granted Facebook’s motion on October 15, 2020. Dkt. 237. In response, on November 16, 2020, DZ’s New Companies (though the counsel they share with Plaintiffs) produced documents as ordered in response to Facebook’s request for DZ’s New Companies’ advertising on Facebook.

75. I have reviewed the documents that DZ’s New Companies produced in response to the Court’s order. These documents contain information about DZ’s New Companies’ advertising

on Facebook, including over 3,600 ads that DZ's New Companies purchased after DZ Reserve joined this litigation. For example, attached as **Exhibit 129** is a true and correct excerpt of a .csv file produced by DZ's New Companies bearing Bates number TP_00001213, containing representative records of selected ads created between March 25, 2019, and January 2, 2020.

76. The documents that DZ's New Companies produced in response to the Court's order include 48 .csv files, bearing Bates numbers TP_00000001-00001252, that are voluminous and impractical to submit in full as .pdf exhibits here. However, if the Court wishes to review the files in full, Facebook will promptly submit the native files.

77. Facebook also produced documentation of ads from the Facebook Pages associated with DZ's New Companies and [REDACTED], including "Gift Wows," "USA Gift Deals," and "World Gift Deals." Facebook's production also confirms that DZ's New Companies placed over 3,600 ads after DZ Reserve joined this litigation. For example, **Exhibit 130** is a true and correct excerpt of FB-SINGER-00426465, reflecting three ads associated with the Facebook pages "World Gift Deals" and "Gift Wows," with ad campaign start dates between February 1, 2020 and September 18, 2020. This exhibit also confirms a link to [REDACTED]: for example, the two ads in Exhibit 130 that are associated with the "Gift Wows" page have a Page ID (108911570535934) that matches the Page ID in Exhibit 110 for the Facebook Page associated with Facebook user [REDACTED]. The native .csv file bearing Bates number FB-SINGER-00426465 would be voluminous and impractical to submit in full as a .pdf exhibit. However, if the Court wishes to review the files in full, Facebook will promptly submit the native files.

Amazing.com Materials & Maxwell Advertisements

78. Attached as **Exhibit 131** is a true and correct copy of a training video bearing Bates number Amazing.com_000140 ("AmazingSellingMachine Video"). This video file was produced by Amazing.com in response to a third-party subpoena served by Facebook on August 3, 2020. Amazing.com has designated this document Highly Confidential – Attorneys' Eyes Only.

79. Attached as **Exhibit 136** is a true and correct copy of an undated document bearing Bates number Amazing_000015-135 ("AmazingSellingMachine Material"). This document was

produced by Amazon.com in response to a third-party subpoena served by Facebook on August 3, 2020. Amazon.com has designated this document Highly Confidential – Attorneys’ Eyes Only.

80. In **Exhibit 136**, the AmazonSellingMachine Material [REDACTED]
[REDACTED]. Exhibit 136 at 000018. [REDACTED]
[REDACTED]
[REDACTED] Exhibit 136 at 000019. Plaintiff Maxwell used
“Facebook Offer” ads that offered coupons to buyers of Maxwell’s products sold on Amazon.com,
as reflected in **Exhibit 137**, a true and correct copy of native .csv files produced by Maxwell
bearing Bates number MAXWELL_00001143-45.

81. In **Exhibit 136**, the AmazonSellingMachine Material [REDACTED]
[REDACTED]
Amazon.com_000024-25. The AmazonSellingMachine Material example appears below
Amazon.com_000025:

Take a closer look at this example:



82. By way of comparison, below is a true and correct copy of a Maxwell ad image,
as reflected in **Exhibit 137** (Maxwell_00001143):



83. In **Exhibit 136**, the AmazingSellingMachine Material directs [REDACTED]

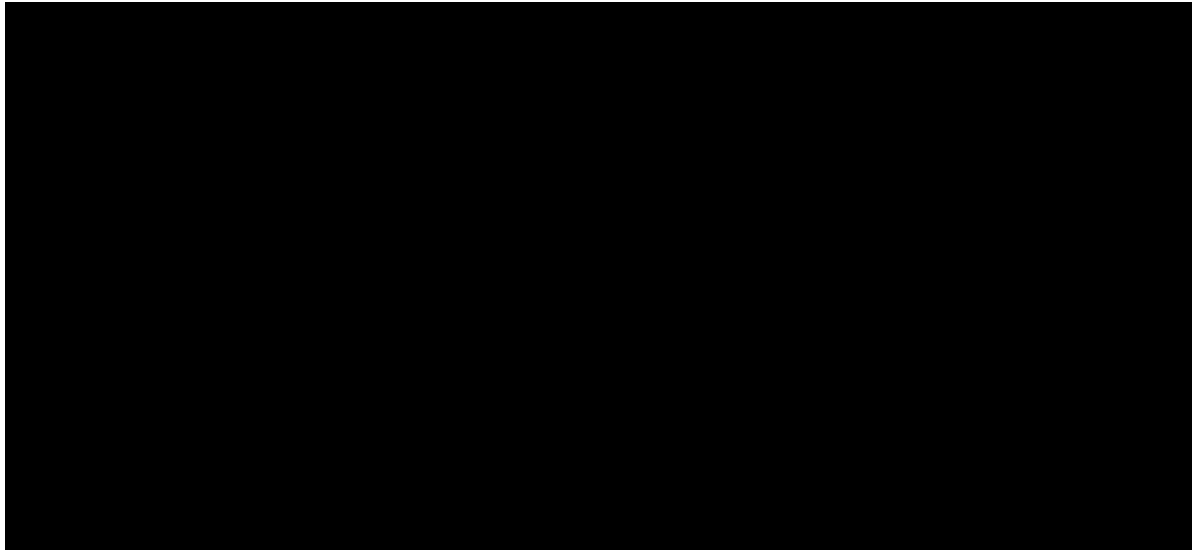
[REDACTED] Amazing.com_000025. During his deposition, Mr. Maxwell testified that [REDACTED]

[REDACTED] **Exhibit 119**, Maxwell Dep. at

52:13-54:24.

[cont. on next page]

1 84. In **Exhibit 136**, the AmazingSellingMachine Material directs [REDACTED]
2 [REDACTED] **Exhibit 136**, Amazing.com_000026. The
3 AmazingSellingMachine Material example appears below. Amazing.com_000026:



13 85. By way of comparison, attached as **Exhibit 137** and below is a true and correct
14 copy of an advertisement produced by Mr. Maxwell that tracks the advice from
15 AmazingSellingMachine Material as to the ad copy with respect to the suggested Description.
16 Maxwell_00001143:



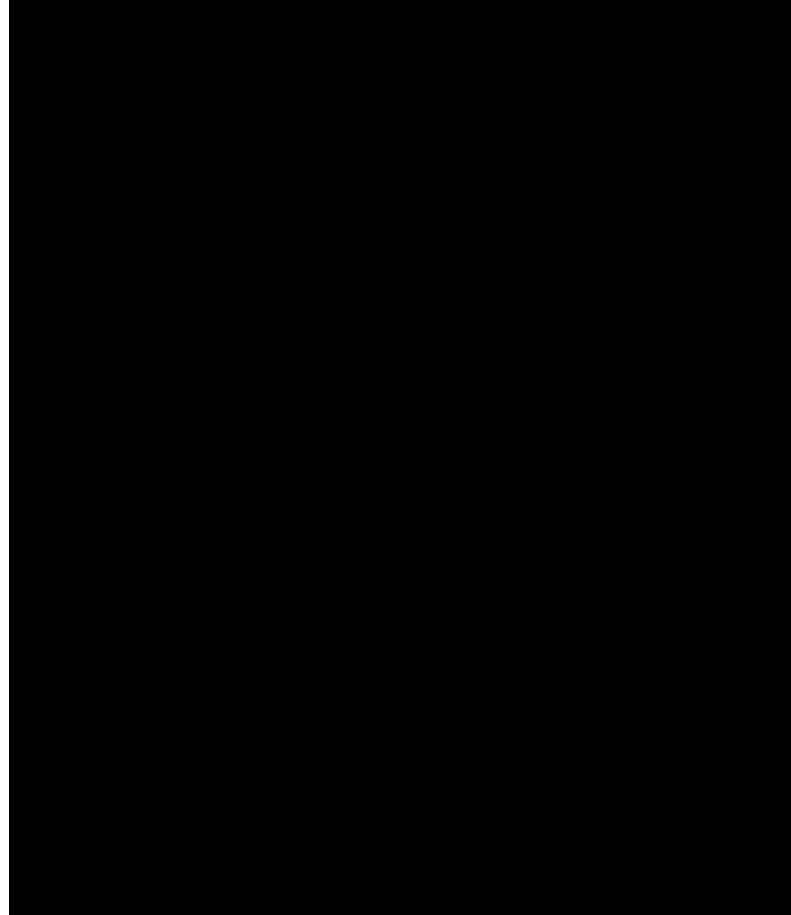
23 [continued. on next page]
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1 86. In **Exhibit 131**, the AmazingSellingMachine Video recommends [REDACTED]
2 [REDACTED] Video at 15:02-15:14. Below is a true and correct
3 copy of a screenshot from the AmazingSellingMachine Video at 15:02:



8 [continued on next page]
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1 87. Below is a screenshot from a true and correct copy of a native .csv file bearing the
 2 Bates number Maxwell_00001319, which provides Mr. Maxwell's Ads Manager inputs and which
 3 reflects that Mr. Maxwell followed the AmazingSellingMachine Video advice to [REDACTED]
 4 [REDACTED]. This native .csv file produced by Mr. Maxwell
 5 is voluminous and impractical to submit in full as a .pdf exhibit here. However, if the Court wishes
 6 to review the file in full, Facebook will promptly submit the native file.



22 88. In **Exhibit 131**, the AmazingSellingMachine Video directs [REDACTED]
 23 [REDACTED] Exhibit 131, Video at 22:40-22:56 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]
 26 [REDACTED] Mr. Maxwell targeted "Amazon" in every one of his ads, as reflected in the native
 27 .csv file produced by Mr. Maxwell bearing Bates number MAXWELL_00001319, which is
 28

1 voluminous and impractical to submit in full as a .pdf exhibit here. However, if the Court wishes
 2 to review the file in full, Facebook will promptly submit the native file.

3 89. The AmazingSellingMachine Material does not discuss Potential Reach estimates.
 4 See Exhibit 136. The AmazingSellingMachine Video also does not discuss Potential Reach
 5 estimates. See Exhibit 131. The AmazingSellingMachine Video does, however, refer to [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] *Id.* at 23:50-24:09. —

11 90. In **Exhibit 131**, the AmazingSellingMachine Video recommends [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 Video at 25:28-25:35. Mr. Maxwell set a budget of \$20 or less for every one of his ads, as reflected
 15 in the native .csv file produced by Mr. Maxwell bearing Bates number MAXWELL_00001319,
 16 which is voluminous and impractical to submit in full as a .pdf exhibit here. However, if the Court
 17 wishes to review the file in full, Facebook will promptly submit the native file.

18 91. In **Exhibit 136**, the AmazingSellingMachine Material directs [REDACTED]
 19 [REDACTED] Amazing.com_000031. Mr. Maxwell optimized the
 20 Ad Delivery for each of his ads to “Link Clicks”, as reflected in the native .csv file produced by
 21 Mr. Maxwell bearing Bates number MAXWELL_00001319, which is voluminous and impractical
 22 to submit in full as a .pdf exhibit here. However, if the Court wishes to review the file in full,
 23 Facebook will promptly submit the native file.

24 **Document Produced By Non-Party Publicis**

25 92. Attached as **Exhibit 132** is a true and correct copy of a September 6-7, 2017,
 26 document bearing Bates number PUB0002018. This document was produced by Publicis in
 27

1 response to a third-party subpoena served by Plaintiffs on December 4, 2019. Publicis has
2 designated this document Confidential.

3 Updated Data Analyses Per New Class Definition

4 93. In their reports, Plaintiffs' proffered experts presented analyses based on a putative
5 class of all U.S. advertisers who placed ads on Facebook platforms starting on August 15, 2014.
6 *See, e.g.*, Dkt. 282-68 at Table 2; Dkt. 282-74 at ¶ 19 n.20. Facebook's experts used the same class
7 definition for their responsive analyses.

8 94. In their Motion (at 15), Plaintiffs narrow the putative class to:

9 All United States residents (including natural persons and
10 incorporated entities) who, from August 14, 2014, to the present
11 ("Class Period"), paid for the placement of at least one
12 advertisement on Facebook's platforms, including the Facebook and
Instagram platforms, which was purchased through Facebook's Ads
Manager or Power Editor.

13 Excluded from the class are: (1) advertisements purchased pursuant
14 to agreements other than Facebook's Terms of Service of Statement
15 of Rights and Responsibilities; (2) advertisements purchased using
16 only non-lookalike Custom Audiences as the targeting criteria; (3)
17 advertisements purchased using Reach and Frequency buying; (4)
18 advertisements purchased with the objectives of canvas app
engagement, canvas app installs, offer claims, event responses, page
likes, or external; and (5) advertisements for which Facebook
provided a Potential Reach lower than 1000.

19 95. Based on Facebook's understanding of Plaintiffs' narrowed definition, three of
20 Facebook's experts in this case, Dr. David Reibstein, Dr. Steven Tadelis, and Dr. Catherine
21 Tucker, and their supporting teams at the Analysis Group updated the exhibits that they previously
22 offered detailing characteristics of the putative class and their advertising activity on Facebook
23 during the Class Period. I detail these updated exhibits below.

24 96. Attached as **Exhibit 133** is a set of updated exhibits to the March 3, 2021 Rebuttal
25 Expert Report of Catherine Tucker, Ph.D. (Dkt. 288-1). Specifically:

26 a. Updated Tucker Exhibit 2 is a table titled "Summary of Campaign
27 Objectives," based on data produced by Facebook, bearing Bates numbers FB-SINGER-
28

00314652-704 and FB-SINGER-00426663. The corresponding table for all U.S. advertisers is located at Exhibit 2 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

b. Updated Tucker Exhibit 3 is a table titled “Summary of Ad Optimization Criteria,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-SINGER-00426663. The corresponding table for all U.S. advertisers is located at Exhibit 3 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

c. Updated Tucker Exhibit 4 is a chart titled “Ad Revenues by Ad Optimization Criteria,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-SINGER-00426663. The corresponding chart for all U.S. advertisers is located at Exhibit 4 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

d. Updated Tucker Exhibit 5 is a chart titled “Ad Revenues by Ad Optimization Criteria and Advertiser Type,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-SINGER-00426663. The corresponding chart for all U.S. advertisers is located at Exhibit 5 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

e. Updated Tucker Exhibit 6 is a table titled “Summary of Ad Revenue by Select Criteria,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704, FB-SINGER-00426663, and FB-SINGER-00426481. The corresponding table for all U.S. advertisers is located at Exhibit 6 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

f. Updated Tucker Exhibit 7 is a table titled “Ratio of Total Ad Set Impressions to Audience Size,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-SINGER-00426663. The corresponding table for all U.S. advertisers is located at Exhibit 7 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

g. Updated Tucker Exhibit 8 is a table titled “Distribution of Potential Reach and Audience Size Estimates,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704, FB-SINGER-00426663, and FB-SINGER-00256368-372. The corresponding table for all U.S. advertisers is located at Exhibit 8 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

h. Updated Tucker Exhibit 9 is a histogram titled “Daily Budget and Estimated Audience Size Correlation Coefficients by Advertiser,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704, FB-SINGER-00426663, and FB-SINGER-00426664-855. The corresponding histogram for all U.S. advertisers is located at Exhibit 9 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

i. Updated Tucker Exhibit 10 is a histogram titled “Total Revenue and Estimated Audience Size Correlation Coefficients by Advertiser,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-SINGER-00426663. The corresponding histogram for all U.S. advertisers is located at Exhibit 10 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

j. Updated Tucker Exhibit 11 is a histogram titled “Daily Budget and Estimated Audience Size Correlation Coefficients by Advertiser,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704, FB-SINGER-00426663, and FB-SINGER-00314707. The corresponding histogram for all U.S. advertisers is located at Exhibit 11 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

k. Updated Tucker Exhibit 12 is a table titled “Comparison of Distribution of Advertiser Level CPMs,” based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-SINGER-00426663. The corresponding table for all U.S. advertisers is located at Exhibit 12 to the Rebuttal Expert Report of Catherine Tucker, March 3, 2021.

97. Attached as **Exhibit 134** is a set of updated exhibits to the March 3, 2021 Expert Rebuttal Report of Steven Tadelis, Ph.D. (filed concurrently). Specifically:

1 a. Updated Tadelis Exhibit 17 is a table titled “Summary of Objectives,” based
 2 on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-
 3 SINGER-00426663. The corresponding table for all U.S. advertisers is located at Exhibit 17 to
 4 the Expert Rebuttal Report of Steven Tadelis, March 3, 2021.

5 b. Updated Tadelis Exhibit 18 is a table titled “Summary of Optimization,”
 6 based on data produced by Facebook, bearing Bates numbers FB-SINGER-00314652-704 and
 7 FB-SINGER-00426663. The corresponding table for all U.S. advertisers is located at Exhibit 18
 8 to the Expert Rebuttal Report of Steven Tadelis, March 3, 2021.

9 c. Updated Tadelis Exhibit 19 is a table titled “Summary of U.S. Targeting,”
 10 based on data produced by Facebook, bearing Bates numbers FB-SINGER-00426355-454. The
 11 corresponding table for all U.S. advertisers is located at Exhibit 19 to the Expert Report of Steven
 12 Tadelis.

13 d. Updated Tadelis Exhibit 20 is a table titled “Distribution of Potential Reach
 14 Estimates in Ads Manager,” based on data produced by Facebook, bearing Bates numbers FB-
 15 SINGER-00256368-372. The corresponding table for all U.S. advertisers is located at Exhibit 20
 16 to the Expert Rebuttal Report of Steven Tadelis, March 3, 2021.

17 98. Attached as **Exhibit 135** is a set of updated to the March 3, 2021 Rebuttal Expert
 18 Report of David Reibstein (Dkt. 289-1). Specifically:

19 a. Updated Reibstein Exhibit 34 is a table titled “Facebook Ad Data Summary
 20 Statistics, Ad Objectives,” based on data produced by Facebook, bearing Bates numbers FB-
 21 SINGER-00314652-704 and FB-SINGER-00426663. The corresponding table for all U.S.
 22 advertisers is located at Exhibit 34 to the Rebuttal Expert Report of David Reibstein, March 3,
 23 2021.

24 b. Updated Reibstein Exhibit 36 is a table titled “Facebook Ad Data Summary
 25 Statistics, Ratio of Total Impressions to Estimated Audience Size,” based on data produced by
 26 Facebook, bearing Bates numbers FB-SINGER-00314652-704 and FB-SINGER-00426663. The
 27
 28

1 corresponding table for all U.S. advertisers is located at Exhibit 36 to the Rebuttal Expert Report
2 of David Reibstein, March 3, 2021.

3
4 I declare under penalty of perjury that the foregoing is true and correct, and that I executed
5 this Declaration on May 14, 2021, in Piedmont, California.

6
7 By: /s/ Melanie M. Blunski
8 Melanie M. Blunski
9 *Attorney for Defendant Facebook, Inc.*
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